THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION NO.19540 OF 2005

Between:

K.Meeraiah @ Veeraraju

……..Petitioner

Vs.

Superintendent of Police, Kakinada, East Godavari District and three others

……..Respondents.

Dt.28.09.2005

O R D E R:

This writ petition is filed for declaring the action of respondents in opening history sheet against the petitioner on the rolls of fourth respondent police station and continuing on transfer on the rolls of third respondent is illegal, without jurisdiction and violative of A.P.Police Standing Orders and also offends Articles 14,19 and 21 of the Constitution of India and also for setting aside the same, directing the respondents not to interfere in any manner with the petitioner's personal liberty and life.

It is the case of the petitioner that he is eking out his livelihood by running a bakery at Bikkavolu Village. On a false complaint registered by the fourth respondent against the petitioner, he was charge sheeted for the offence under Section 385 in C.C.No.122 of 1994 on the file of the Judicial Magistrate of First Class, Alamuru. On an appeal filed by the petitioner in Crl.Appeal No.14 of 1995 on the file of the Principal District & Sessions Judge, Rajahmundry, the conviction and sentence

recorded against the petitioner was set aside. As the State did not prefer any appeal, the order of the District & Sessions Judge, Rajahmundry became final. There after, the petitioner went to his native place at Mandapet. Though the petitioner was not involved in any criminal case, the fourth respondent Station House Officer, Mandapet P.S., East Godavari District called the petitioner to Mandapet Police Station stating that a history sheet was opened against him. As the petitioner shifted his family to Bikkavolu, the history sheet opened against the petitioner was transferred by the fourth respondent from Mandapet to Bikkavolu Police Station. There after, the third respondent-Station House Officer, Bikkavolu Police Station, East Godavari District took the petitioner to the said police station and obtained his thumb marks. Though the petitioner approached respondent Nos. 1 and 2, no action was taken by them. Hence, this writ petition is filed.

The respondents filed counter affidavit by stating that the cases registered against the petitioner in Crime No.182 of 1993 under Section 392 I.P.C. and Crime No.236 of 1993 under Section 379 I.P.C. on the file of Mandapet Police Station were transferred to Bikkavolu Police Station. It is also stated that Crime No.234 of 1993 ended in acquittal. It is also stated that on the recommendations made by the Sub Divisional Police Officer, Ramachandrapuram, a Suspect Sheet was opened against the petitioner by the fourth respondent vide H.S.No.356/Suspect, dated 25.02.1994. It is further stated that the petitioner never approached respondents 1 and 2 and the police never asked the petitioner to come to the police station.

The learned counsel for the petitioner submits that since no cases are pending against the petitioner, the action of respondents in opening the history sheet is against the principles of natural justice. Hence, seeks to allow the writ petition.

The learned Government Pleader for Home submits that keeping in view the public interest, the Suspect Sheet is being maintained by the respondents strictly in accordance with the provisions of A.P. Police Standing Orders (Order 600(a)

Therefore, there is no need to close the Suspect Sheet.

It seen from the material available on record that three cases were registered against the petitioner in Crime No.182 of 1993, Crime No.234 of 1993 and Crime No.236 of 1993 on the file of Mandapet Town Police Station. In Crime No.234 of 1993, the petitioner was convicted for a period of six months vide C.C.No.122 of 1994 and the same was subsequently set aside by the District & Sessions Judge, East Godavari, Rajahmundry. It is also seen from the record that at present no cases are pending against the petitioner, but the Suspect Sheet opened by the fourth respondent against the petitioner is being continued to enable the respondents to keep the movements of the petitioner under close watch. The action of respondent authorities in continuing the suspect sheet against the petitioner on mere apprehension that there is a likelihood of the petitioner committing some more offences without there being any material is violative of Article 21 of the Constitution of India.

Hence, the writ petition is allowed, directing the respondents to close the suspect sheet registered against the petitioner. Insofar as the consequential direction to the respondents not to interfere with the personal life and liberty of the petitioner is concerned, as the respondents have clearly denied the allegations, there is no need to give any such direction. However, it is open for the respondents to open a suspect sheet against the petitioner in accordance with law. No costs.

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K.C.BHANU J.,

Dt.28.09.2005

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